

**AMENDMENT TO CHAPTER 160 – RESIDENTIAL ZONE**

**PROPOSED FIRST READING: JANUARY 25, 2013**

**Proposed Second Reading: February 22, 2013**

**Passed: February 22, 2013**

**EXISTING:**

**§ 160-1. Purpose; authority.**

For the purpose of promoting health, safety, morals **or** the general welfare of the inhabitants of the Town of Fenwick Island, Delaware, and pursuant to the provisions of the Charter of the said Town and the provisions of Title 22, Delaware Code of 1953, Chapter 3, entitled "Municipal Zoning Regulations," the Town Council of the Town of Fenwick Island, Delaware enacts the Zoning Ordinance of the Town of Fenwick Island, Delaware as follows.

**PROPOSED:**

**§ 160-1. Purpose; authority.**

*For the purpose of promoting health, safety, morals **and** the general welfare of the inhabitants of the Town of Fenwick Island, Delaware, and pursuant to the provisions of the Charter of the said Town and the provisions of Title 22, Delaware Code of 1953, Chapter 3, entitled "Municipal Zoning Regulations," the Town Council of the Town of Fenwick Island, Delaware enacts the Zoning Ordinance of the Town of Fenwick Island, Delaware as follows.*

**(AMENDMENTS TO DEFINITIONS AS LISTED HERETO)**

**§ 160-2. Definitions and word use.**

A. For the purpose of this chapter, certain terms and words are defined as follows:

**EXISTING:**

**APARTMENT** - A set of rooms with housekeeping facilities and used as a dwelling for a single family; an apartment shall be part of a building used for commercial purposes on the basis of one apartment for each commercial building.

**PROPOSED:**

**APARTMENT** - *A set of rooms with housekeeping facilities and used as a dwelling for a single family.*

**EXISTING:**

**APARTMENT BUILDING** - Any structure or group of structures containing two or more apartments.

**PROPOSED:**

**APARTMENT BUILDING** - *Any structure containing two or more apartments. Not applicable to mixed use in a building designed specifically for residential use.*

**EXISTING:**

**FAMILY** - A single person occupying a dwelling unit and maintaining a household; or two or more persons related by blood or marriage or adoption occupying a dwelling unit, living together and maintaining a common household; or not more than three unrelated persons occupying a dwelling unit and maintaining a common household.

**PROPOSED:**

**FAMILY** – *An individual or two (2) or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities or a group of not more than five (5) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost-sharing basis.*

**EXISTING:**

**GARAGE, PRIVATE** - A garage for storage only with capacity for not more than three **steam- or** motor-driven vehicles, only one of which may be a commercial vehicle.

**GARAGE, PUBLIC** - Any building on premises used for housing or care of more than three **steam- or** motor-driven vehicles, or more than one commercial vehicle, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

**PROPOSED:**

**GARAGE, PRIVATE** - *A garage for storage only with capacity for not more than three motor-driven vehicles, only one of which may be a commercial vehicle.*

**GARAGE, PUBLIC** - *Any building on premises used for housing or care of more than three motor-driven vehicles, or more than one commercial vehicle, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.*

**EXISTING:**

**LOT, CORNER** - A lot fronting on two or more streets intersecting at an angle **of not more than 135°**.

**PROPOSED:**

**LOT, CORNER** - *A lot fronting on two or more streets intersecting at an angle.*

**EXISTING:**

**PROFESSIONAL PERSON** - Those individuals who are duly licensed by the State of Delaware to practice their occupations, and includes physicians, optometrists, dentists, attorneys, architects, surveyors, engineers, insurance agents, accountants, stock brokers, commodity brokers and real estate brokers.

**PROPOSED:**

**PROFESSIONAL PERSON** - *Those individuals who are duly licensed by the State of Delaware to practice their occupations, and **including but limited to** physicians, optometrists, dentists, attorneys, architects, surveyors, engineers, insurance agents, accountants, stock brokers, commodity brokers and real estate brokers.*

**EXISTING:**

**STREET** - A public thoroughfare 40 feet or more in width.

**PROPOSED:**

**STREET** - *A paved thoroughfare for public access.*

**EXISTING:**

**STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

**PROPOSED:**

**STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as **but not limited to** bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

**EXISTING:**

**UNINHABITABLE ATTIC** - The area between roof framing and the ceiling of the rooms below that is not habitable but may be reached by ladder or pull-down stairs/ladder only and used for storage **of** mechanical equipment.

**PROPOSED:**

**UNINHABITABLE ATTIC** - The area between roof framing and the ceiling of the rooms below that is not habitable but may be reached by ladder or pull-down stairs/ladder only and used for storage **and** mechanical equipment.

**EXISTING:**

**YARD, REAR** - The area between the rear line of a building, **other than of a building for accessory use**, and the rear lot line.

**PROPOSED:**

**YARD, REAR** - The area between the rear line of a building and the rear lot line.

**EXISTING:**

**§ 160—4A(2)(e)[2]**

[2] Every unenclosed portion of a residential pool shall be protected by a continuous safety barrier consisting of county-approved fencing or its equivalent. Fencing which is part of such a required pool safety barrier may be up to six feet **in height as long as the fencing does not encroach into any required pool setback area**. Barriers are not required for hot tubs or spas when a cover is provided.

**PROPOSED:**

***[2] Every unenclosed portion of a residential pool shall be protected by a continuous safety barrier consisting of county-approved fencing or its equivalent. Fencing which is part of such a required pool safety barrier may be up to six feet. Barriers are not required for hot tubs or spas when a cover is provided.***

**EXISTING:**

**§ 160—4C. Area regulations.** The minimum dimensions of yards and the minimum lot area **per family**, except as provided in § **160-6**, shall be as follows:

**PROPOSED:**

**§ 160—4C. Area regulations.** The minimum dimensions of yards and the minimum lot area, except as provided in **§ 160-8**, shall be as follows:

**EXISTING:**

**§ 160—4C(1)**

(1) Lot area **per family**. Each dwelling erected after July 11, 1956, in this zone shall occupy a lot with a minimum area of 5,000 square feet and a minimum width of 50 feet at the front building line, except as provided in § **160-6A(3)**. No lot area shall be so reduced or diminished by this chapter.

**PROPOSED:**

***(1) Lot area. Each dwelling erected after July 11, 1956, in this zone shall occupy a lot with a minimum area of 5,000 square feet and a minimum width of 50 feet at the front building line, except as provided in § 160-8A(3). No lot area shall be so reduced or diminished by this chapter.***

**EXISTING:**

**§ 160—4D.**

Minimum size of dwelling erected on a lot; valuation thereof. No building erected, maintained or occupied in this zone exclusive of accessory buildings shall occupy less than 750 square feet of a lot nor have a fair valuation of less than **\$15,000**.

**PROPOSED:**

*Minimum size of dwelling erected on a lot; valuation thereof. No building erected, maintained or occupied in this zone exclusive of accessory buildings shall occupy less than 750 square feet of a lot nor have a fair valuation of less than **\$50,000**.*

Posted: February 25, 2013